

TITLE NEWS

A publication issued monthly

The American Title Association

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1924 A Most Successful and Active Year for the American Title Association

Membership Increased, State Associations Showed Fine Spirit; Encouraging Financial Support; Improved Monthly Publication; Work on Program of Uniform Land Laws and Other Activities Made Good Year

The New Orleans Convention will bring about the reports of the various committees and the association organization in general and with them the realization of a most active and fruitful year.

The Omaha Convention found the association at the crossroads—it was confronted with the task of many things to do—with a big work ahead that must be done. The organization had gradually been perfected and going—gathering momentum in the past few years until there was much started to finish, and many new things to be accomplished. The title business has been going through changes in the past few years, there have been demands upon those in it meaning that the business as a business had been called upon, had had problems thrust upon it and that there was a bigger need for an organization of those in it than ever before.

The work of the American Title Association during the past year can be reviewed with pride and a feeling of satisfaction.

The first thing started was the Membership Campaign. The Committee on Organization and Membership Extension was formed on different lines this year than ever before. Roy S. Johnson, of Newkirk, Oklahoma, was appointed as the Chairman and the co-members made of the Presidents and Secretaries of the various State Associations. Membership campaigns were conducted by the various State Associations and fine results achieved. Some states nearly doubled their membership. President Wedthoff offered a cup to the State Association making the greatest showing in new members. This was won by Nebraska, that association practically doubling their membership.

In addition to the campaigns by the State Associations, membership drives were made in the few states where conditions are such that a state organiza-

tion is neither practical or possible. These are those states where there are few title companies, principally in the New England and Southeastern States Districts. Individual memberships were solicited from attorneys, title companies and others engaged in title work and a goodly response was had.

The new directory will show a larger representation in all states, and in more states than at any time in the history of the association. There are only three states in the whole country wherein the Title Association does not have representation, New Hampshire, Vermont and Maine.

While the association is glad to have such an increase in membership and fine representation, the big feature of the work in the efforts has been the fact that the title organization has been presented and brought to the attention of every firm or person engaged in the business in the whole country.

At the same time the membership campaign was being conducted, the securing of pledges for a two year period to the Sustaining Fund was going on. The association like a business must have financial support to function. This fund is the means it has of being properly and adequately financed. The matter of giving at all and if so the amount subscribed is purely voluntary and at the choice of each. The response this year was very encouraging. There were few losses in contributors from previous years and many new ones secured. The activities of the association are like any other business or organization, limited purely by the means at hand. A most economical course has been pursued in the past—the officials of the association have always been very conservative in their management and made the most of things. More has been done this year because of better financial support and the same careful handling of the Association's financial resources.

Moral and Financial Support Remarkable.

It was particularly gratifying to have received such splendid support this year both in the matter of membership (the keeping of old ones and the gain of many new ones), and financial support when practically every trade, commercial and fraternal organization in the country has experienced a period of indifferent moral support, loss of members and very few gains, and a decline in financial assistance.

The American Title Association can report its most prosperous year, particularly in gain of interest in and from its members. It was given the best it had ever received in all activities showing that it has been recognized by the title fraternity and that the title men of the country are awake to the fact that they must take a hand by united effort and interest in looking after the advancement and affairs of their business.

Many State Associations have become more active in the past year. The Wisconsin Association has been reorganized. A movement is now under way to form associations in the Virginias. The State Organizations of South Dakota, New Mexico and Florida have been dormant for the past few years due to adverse conditions and lack of interest on the part of State Officials and other discouragements. Efforts to revive them are under way and will materialize before winter is over. Each of these three states had active organizations a few years ago before local adversities and lack of interest caused them to cease functioning. However the abstractors in each realize the need of state organization and they will be revived before long.

Some of the few states have not held a meeting for two or three years but all are doing so this year.

In every state where conditions are such as to make a state association im-

practical or hopeless, individual members have been secured and a nice gain has been made in them.

Title News.

Everyone will agree that the monthly publication, Title News, has advanced and improved during the year. It is a worth-while publication now, each issue contains much of interest and value to those in the title business, and better things are promised in the future. Every effort will be made to improve it.

By furnishing it as part of the dues, by having it a strictly Association matter, handled and directed by the organization, it can best serve the interest of the association and the title business without any outside, private or biased influence.

The Work on Uniform Land Laws.

Without doubt one of the most significant things ever attempted not only by the association, but anything that has ever been done to improve the land title system and the land laws of the country is the work of the year of Charles C. White, Chairman of the Judiciary Committee, and his co-workers composing the committee. A complete survey and analysis of the land laws in the various states was made and from them after much study, recommendations for such laws as would improve the land laws and simplify and expedite real estate transactions made. This was a tremendous job but Mr. White did it and by reason thereof the Title Association has naturally taken the lead and important step in such a work. It has been a great thing to have accomplished and the entire title fraternity can be greatly indebted to Mr. White for his direction of the work and all those who assisted him.

The preliminary report of the committee was printed in the March issue of Title News and the Final Report and Recommendations of the committee will appear in the September issue. It will pay every title man to study these two reports.

The Directory.

This long promised and contemplated book will soon be distributed. It has taken a lot of time to get it ready but time has likewise been taken to make it a real proposition and more even than expected. It will be gotten up in the best style and plan possible. In addition to the listment by county, state, firm and city, the business classification of each will be given, such as abstracts, title insurance, examinations, etc.

It will be distributed over the entire country, not only to the members of the association, but to real estate brokers, loan companies and other patrons of title companies.

Other Activities.

The Executive Secretary's office can report this as being its most active year, with more demands made upon it than ever before. It has sent out thousands of letters and pieces of mail. It has furnished a vast amount of information and been of assistance in hundreds of instances.

It has been the means of securing positions for many, and likewise of furnishing firms with employees, and in others of negotiating deals for sales and purchases of plants.

The association has done much work this year in helping and co-operating with other National Associations, trade organizations and others and is fast being recognized as the organization of the title business.

It has helped the States Associations in many ways and whenever called upon, by furnishing information and assistance in legislative, legal, and all manner and kind of matters pertaining to the business. It helped them in membership campaigns and with their state activities and a representative of the National Association has visited and been present at every State Convention held during the year.

There is a lot of work done by those active in the organization. One not thoroughly intimate with it can begin to imagine the extent and scope of the association's activities. The work of the committees—Membership, Legislative, Judicial and Co-operation—are all important and have much to their credit.

But there has never been such a willingness on the part of so many to enter into the spirit of the thing and really do everything called upon or possible to do, which has accounted for the splendid results.

It has been a good year, a most en-

couraging and satisfying one. The Omaha Convention marked a new era in things to be done. They were handled and accomplished and this year finds even more and things of greater importance to be accomplished. The New Orleans Convention will be the start, and next year will be the association's best, just as this one has been so far.

The association has been very active during the year and achieved some real results and accomplished many things.

But best of all the titlemen of the country, the members of the association have shown a real interest in it and a vigorous spirit of co-operation and desire to give it active attention and help.

The organization of the association could not alone have done these things nor will the organization ever accomplish the things it should if the members do not enter into the spirit of the thing, and the State Associations through their memberships and organizations back the National Association. The individual members—the members of the State Associations and the State Associations are what make the national a success.

They have responded splendidly this year and the officials of the American Title Association have a new feeling of satisfaction and gratefulness for this—the most successful year of the organization brought about by this spirit among the members.

Features of 1924 Convention Most Attractive That Could Be Offered

New Orleans Itself, The Time of Year, The Program, Entertainment and Sightseeing, the Many Side Trips to Cuba, Mexico and Central America Are All Inducements

The convention is but a few weeks away. Every one interested or engaged in the title business should attend this, the eighteenth annual meeting of the association.

A program of exceptional breadth and value has been prepared, and every part of it will be instructive and interesting. The program is the part of such meetings from which those in attendance receive information about matters of their business and they will be well paid by the one of this year's convention.

Three entire days will be devoted to the strictly business and instructive sessions. There will be the general sessions and the special ones of the Title Examiners and the Title Insurance Sections, each and all of them however equally interesting and worth while for all no matter whether he be abstractor, examiner, or interested in title insurance. They are all a part of and relative to each other.

Ample time is likewise provided for discussion and questions on the subject matter of the given addresses and papers. These are always worth while and add to the value of the delivered speeches.

In addition to the regular convention sessions the noonday conferences, provided for the first time this year, and de-

scribed elsewhere in this issue of Title News will be very valuable.

The program is formulated and decided upon and will appear in full in the September Title News. Every one will be pleased with it.

For those who are seeking a real sound, practical business reason for attending such meetings, in addition to the value of the program the mixing around with those in attendance and the exchanging of ideas and expressions with others is mentioned. This part of being present at such a meeting is considered by some to be the most valuable part of attending.

It will be highly instructive and valuable to meet the fellow from the other part of the country, from all parts of the country, and talk things over, hear his ideas and problems and compare them with yours.

Out of this grows another thing, and that is the acquaintances and friendships formed. These cannot be estimated in value, but certainly they have a value hard to express but realized by everyone who has had an opportunity to enrich himself in this way. One never knows or realizes the worth until experienced, and the continued attendance at these national meetings brings about a nation-wide circle of friends and associates.

Then there is another thing, people do not want to take such a trip for the business alone, but want to have a pleasant time, see sights unfamiliar to them, to visit interesting and beautiful places and to have an enjoyable trip. Certainly New Orleans appeals to every such desire and expectation.

There is no finer place to go than New Orleans and the Southland during the particular time of year when this meeting will occur. The climate is at its best during the later part of October. The accommodations provided for convention visitors are unsurpassed, who has not heard of the old Gruenwald, now the New Roosevelt Hotel, our headquarters, and the famous cuisine of it in particular and the many French and Creole Cafes of New Orleans. Perry Bouslog our host has arranged for every comfort, for recreation and sight-seeing and a large crowd in attendance is the best evidence of our appreciation of those efforts and our realization that New Orleans is the place we have all wanted to visit.

Sectional Conferences at Noon-Day Luncheons Convention Feature to be In- augurated this Year

*Should be Most Instructive and Valuable Features of Meeting.
Have You Answered Questionnaire? Details being
Arranged by Chairman Earl G. Smith.*

The scheme of round table discussions or noon day sectional conferences will be instituted at this year's convention.

There will be three held each noon, one for the Abstractors, another for the Title Insurance Section and the third for the Title Examiners. Each will be presided over by a Chairman or leader, and questions and problems of the business presented for discussion.

This part of the convention is under the direction and charge of Earl G. Smith, of The Abstract Title Guarantee and Trust Co., Akron, Ohio, Chairman of the Sectional Conferences.

Mr. Smith is greatly interested in the success of this part of the program and has worked for a long time in evolving the plans for it.

A questionnaire was prepared and sent out to every member of the Association. This provided for the mentioning of what particular points or subjects one wished to have discussed, and from them some idea of the things desired and to be provided for at the meetings can be had.

EVERYONE IS ASKED TO FILL OUT THE QUESTIONNAIRE and mail it to the Executive Secretary at once. Do this whether you plan to attend the meeting or not, and even though you might know you will not get to attend.

Your idea and expression is wanted and from it the association will learn of the matters and problems the members want to know about not only for this particular meeting, but for its work in the future.

You owe it to yourself personally, to your business and to the title business in general to make every effort to be in New Orleans the 21-22-23 and 24 of next October and make this the associations biggest and best convention.

The association has had a very active and successful year. It has gone forward every year and now finds itself in a place where it is recognized, has a place and is needed. Its operations and need for the enlargement of its scope of activities and usefulness has increased each year and this convention will not only mark the close of a memorable year, but the beginning of an even more strenuous one. You will be interested in the things done, but likewise should be concerned with the future. It is the organization of your business and line of work and as such is protecting and advancing your interests.

You should become actively identified with it and better acquainted with its work. The best way is to attend the annual meeting. No one ever yet regretted doing so.

Divisional conferences are now a part of almost every commercial organization convention. Each group or section usually has its own particular problems and matters of interest, just the little things occurring in the ordinary routine of business and it is well to have an exchange of ideas about them from others.

This opportunity will be afforded by these noon day conferences and it will also be advantageous to have this particular time for informal and open discussion thereby reducing it from the regular program sessions. There never is time enough for a smooth running program of set matters and yet provisions must be made for these open forums for they are undoubtedly the most practical part of any convention and something from which more real value and benefit will be later derived than most any other part.

Mr. Smith has had considerable experience in the conduct of such meetings in his work and attendance at the many bankers', building & loan and other association conventions where he has attended.

SO FILL OUT THE QUESTIONNAIRE AND MAIL IT IN WITH YOUR SUGGESTIONS AT ONCE. Do this whether you are going to attend the meeting or not. Your ideas are wanted anyway.

Those attending the meeting are urged to keep these conferences in mind and endeavor to attend all of them.

PRINCIPLES OF LAW OF REAL PROPERTY.

By William A. Gretzinger, Title Officer, Republic Trust Co., Philadelphia, Pa., Formerly Instructor of Conveyancing and Forms, Central Institute, Y. M. C. A.

The idea of collecting these principles from various works was for the express purpose of giving the main principles for ground work study. The author claims no credit for the material, but does for the form and arrangement of collection.

Note: The American Title Association is indeed fortunate in having an article of such significance and worth as this one. It is one of the best things of its nature ever prepared and as interesting and valuable to titlemen as anything that has ever been presented for their reading and consideration.

Mr. Gretzinger has gathered material and arranged it in such form as to make it completely cover the ground and be readily understood.

The association is therefore pleased to have this for publication in the "Title News." Mr. Gretzinger is one of the foremost titlemen in the country, and a recognized writer on title matters.

Everyone should read and study this paper.

The design of these notes is to present an old and important subject in a new form.

Law is confessedly a dry subject for study or general reading, and as it is necessary for the conveyancer to have the fundamental points in mind at all times, I have collected, from various works, those elements relating only to real property. It is a great mistake that so many of our Conveyancers give so little attention to acquiring at least some slight knowledge of the PRINCIPLES OF LAW OF REAL PROPERTY as an essential part of their general education. I will endeavor to give those which I consider essential in an uniform manner.

We possibly had better immediately start out with the definition of the word "Law."

LAW is that which is laid down or established as a rule of action; i. e., the rules and methods by which society compels or restricts the actions of its members.

The LAW is the perfection of REASON; it always intends to conform thereto, and that which is not reason is not law.

Of course the law has been divided into what might be classed as natural, positive, divine or revealed, international, municipal or civil, maritime, common, statute, military, etc.

All that the Conveyancer, in this country will have to be interested in is "THE LAW OF RIGHTS" and more especially the division of this with RIGHTS OF THINGS.

THE RIGHTS OF THINGS OR PROPERTY, are those rights which a man may acquire in and to such ex-

ternal things as are unconnected with his person.

THE ORIGIN AND FOUNDATION OF THIS RIGHT, or dominion of MAN over external things or PROPERTY, is the Creator, who gave it to him IN THE BEGINNING. (See Gen. 1, 28.)

This right was PERPETUATED by the positive institutions of society, as mankind increased in number, craft and ambition, and has also been made PERMANENT.

THE USE OF THINGS WAS FIRST COMMON TO ALL; the first user of a thing acquiring a kind of transient PROPERTY therein, lasting as long as he was using it, only; the RIGHT of possession continuing only while the ACT of possession or OCCUPANCY continued.

CONTINUED OCCUPANCY, as the world grew more populous, eventually gave the original RIGHT and established the idea of permanent or EXCLUSIVE PROPERTY not only in the USE, but the SUBSTANCE of the earth or thing.

As all property must cease upon the owner's death, to prevent property from becoming in such event again common, society established HEIRSHIPS, with their laws of descent to children, and WILLS. Where there are no heirs, the doctrine of ESCHEATS is adopted; whereby the sovereign or state then becomes the heir.

THE OBJECTS OF DOMINION OR PROPERTY are THINGS, which are divided into THINGS REAL and THINGS PERSONAL.

THINGS REAL are such as are permanent, fixed and immovable which cannot be carried out of their place—as lands and tenements.

THINGS REAL CONSIST OF LANDE, TENEMENTS and HEREDITAMENTS.

LAND comprehends all THINGS OF A PERMANENT, SUBSTANTIAL NATURE—being a word of very extensive significance.

LAND, in its legal significance, has an indefinite extent upward as well as downward, so that the word "land" includes not only the face of the earth, but everything under or over it, and by the name land, everything terrestrial will pass. WATER is, in contemplation of law, a species of land, for it COVERS land.

TENEMENT, in its legal sense, signifies EVERY THING THAT MAY BE HOLDEN OF A PERMANENT NATURE—whether substantial and sensible, or of an unsubstantial, ideal kind.

In its common acceptation it is only applied to houses and buildings.

HEREDITAMENT includes NOT ONLY LANDS AND TENEMENTS, BUT EVERY THING THAT MAY BE INHERITED—whether corporeal or incorporeal, real, personal and mixed.

It is the most comprehensive denomination of THINGS REAL. THE KINDS OF THINGS REAL are either CORPOREAL or INCORPOREAL; hereditaments being also of these two kinds.

A CORPOREAL HEREDITAMENT consists OF SUCH AS AFFECT THE SENSES: SUCH AS MAY BE SEEN AND HANDLED, AND CONSISTS WHOLLY OR SUBSTANTIAL, PERMANENT OBJECTS—all of which may be comprehended under the general denomination of "land," only.

AN INCORPOREAL HEREDITAMENT is A RIGHT ISSUING OUT OF A THING CORPORATE (whether real or personal) OR CONCERNING OR ANNEXED TO, OR EXERCISED WITHIN THE SAME.

It is not the thing corporate itself, which may consist of lands, houses, etc., but something COLLATERAL thereto, as a RENT issuing out of those lands or houses.

COMMON, or RIGHT OF COMMON, IS A RIGHT OR PROFIT WHICH A MAN HATH IN THE LAND OF ANOTHER.

WAYS, i. e. PRIVATE WAYS, or those in which a particular man may have an interest, are THE RIGHT OF GOING OVER ANOTHER MAN'S GROUND.

They may be granted by PERMISSION, or arise by PRESCRIPTION, or by act and operation of LAW; for if a man grants a piece of ground in the middle of his field, he IMPLIEDLY gives a right of way to it.

ANNUITIES ARE A YEARLY SUM CHARGEABLE ONLY UPON THE PERSON OF THE GRANTOR. They are much of the same nature as CORODIES (right of sustenance, or to receive allotments of victuals and provisions for one's maintenance) only annuities arise from temporal, and corodies from spiritual persons.

RENT IS A CERTAIN PROFIT ISSUING YEARLY OUT OF LANDS AND TENEMENTS CORPOREAL. It is an acknowledgment given for the POSSESSION of some corporeal inheritance.

FREEHOLD ESTATES OF INHERITANCE.

AN ESTATE in lands, tenements and hereditaments, signifies SUCH INTEREST AS THE TENANT HAS THEREIN.

To ascertain this, estates, may be considered,

- (1) with regard to the QUANTITY OF INTEREST which the tenant has;
- (2) the TIME at which that interest is to be enjoyed;
- (3) the NUMBER and CONNECTIONS of the tenants.

THE QUANTITY OF INTEREST which a tenant has is measured by its DURATION and EXTENT.

Thus, his right of possession is to subsist for an UNCERTAIN PERIOD, during his own life or the life of another, or To DETERMINE AT HIS DECEASE or remain to his descendants after him or,

Is circumscribed within A CERTAIN NUMBER OF YEARS, months, etc.,

Is UNLIMITED, being vested in him and his representatives for ever. **INHERITANCES ABSOLUTE, of FEES-SIMPLE. A TENANT IN FEE-**

SIMPLE (frequently styled tenant in fee) is HE THAT HAS LANDS, TENEMENTS OR HEREDITAMENTS, TO HOLD TO HIM AND HIS HEIRS FOREVER: GENERALLY, ABSOLUTELY AND SIMPLY; WITHOUT MENTIONING WHAT HEIRS, REFERRING THAT TO HIS OWN PLEASURE, OR TO THE DEPOSITION OF THE LAW.

A FEE, therefore in its present sense, signifies AN ESTATE OF INHERITANCE;—the highest and most extensive interest that a man can have in land.

Estates in Possession, Remainder and Reversion.

ESTATES, with respect to the TIME OF THEIR ENJOYMENT, are either in immediate POSSESSION or in EXPECTANCY; which expectancies are created at the same time, and are parcel of the same estates as those upon which they are expectant—they are REMAINDERS and REVERSIONS.

ESTATES IN POSSESSION are sometimes called EXECUTED, WHEREBY A PRESENT INTEREST PASSES TO AND RESIDES IN THE TENANT, NOT DEPENDING ON ANY SUBSEQUENT CIRCUMSTANCE OR CONTINGENCY—as it is the case in estates EXECUTORY.

An estate in POSSESSION gives a present (immediate) right of permanent enjoyment.

An estate in REMAINDER gives a right of future enjoyment; whether certainly or eventually depends on the form of gift; and when the interest is contingent in its limitation, then on the events which have taken place.

An estate in REVERSION gives a present FIXED right of future enjoyment.

THE DOCTRINE OF MERGER is IF TWO ESTATES IN REALTY VEST IN THE SAME PERSON, IN THE SAME RIGHT, AND WITHOUT ANY OTHER ESTATE INTERMEDIATE BETWEEN THEM, THE LESSER IS SUNK, OR DROWNED (MERGED) IN THE GREATER.

Whereby the lesser ceases to exist, but the greater is not increased. But they must come to one and the same person in one and the same right; for, if the freehold be in his own right and he has a term in right of another, there is no merger.

AN ESTATE IN SEVERALTY, or SOLE TENANCY, IS WHERE A PERSON HOLDS LANDS IN HIS OWN RIGHT ONLY, WITHOUT ANY OTHER PERSON BEING JOINED OR CONNECTED WITH HIM IN POINT OF INTEREST, DURING HIS ESTATE THEREIN.

This is the most usual way of holding estates, hence there is little or nothing peculiar concerning them.

AN ESTATE IN JOINT-TENANCY is WHERE LANDS OR TENEMENTS ARE GRANTED TO TWO OR MORE PERSONS, TO HOLD IN FEE-SIMPLE, ETC.

In this case the law CONSTRUES them to be joint-tenants, unless the

words of the grant expressly conclude such construction.

The CREATION of an estate in joint-tenancy depends on the wording of the deed or devise, by which the tenants claim title; for this estate can only arise by purchase or grant, i. e., by act of the parties, never by mere act of law.

If an estate be given to a plurality of persons, without adding any restrictive, exclusive or explanatory words, as a grant to A and B and their heirs, this makes them joint-tenants in fee of the lands.

THE PROPERTIES OF A JOINT ESTATE are derived from its unity, which is fourfold:—unity of INTEREST, of TITLE, of TIME and POSSESSION.

That is, Joint-tenants have one and the same interest, accruing by one and the same conveyance, commencing at one and the same time, and held by one and the same undivided possession.

(1) THEY MUST HAVE THE SAME INTEREST: for one joint-tenant cannot be entitled to one period of duration, or quantity of interest in lands, and the other to a different.

One cannot be tenant for life and the other for years, etc.

(2) THEY MUST HAVE UNITY OF TITLE: their estate must be created by one and the same act, whether legal or illegal; as by the same grant, or same disseizin.

(3) THERE MUST BE UNITY OF TIME: their estates must be vested at one and the same period, as well as by one and the same title.

(4) THERE MUST BE UNITY OF POSSESSION: joint-tenants are seized PER MY ET PER TOUT, by the HALF or MOIETY, and by ALL; i. e., they each have the entire possession, as well of every PARCEL as of the WHOLE.

Each has an UNDIVIDED moiety, of the WHOLE, and not the whole of an undivided moiety: therefore, upon the death of one joint-tenant, THE WHOLE interest remains to the survivor.

THE DOCTRINE OF SURVIVORSHIP is WHEN TWO OR MORE PERSONS ARE SEIZED OF A JOINT ESTATE OF INHERITANCE, FOR THEIR OWN LIVES OR PUR AUTER VIE, OR ARE JOINTLY POSSESSED OF ANY CHATTEL-INTEREST, THE ENTIRE TENANCY UPON THE DECEASE OF ANY OF THEM REMAINS TO THE SURVIVORS, AND AT LENGTH TO THE LAST SURVIVOR; WHO IS ENTITLED TO THE WHOLE ESTATE, WHATEVER IT MAY BE.

This is the natural and regular consequences of the UNION and ENTIRETY of their interests.

JOINT-tenancy MAY BE DISSOLVED by destroying any of its four constituent unities.

PARTITION is made by CONSENT, or by COMPULSION.

(1) Where they AGREE TO DIVIDE in equal parts in severalty.

(2) Where they choose SOME FRIEND TO MAKE PARTITION; and each to choose their part accordingly to seniority of age, or as agreed.

(3) Where they CAST LOTS for their shares.

(4) The method BY COMPULSION is, where one or more sue out a writ of partition against the others; whereupon the sheriff makes partition by verdict of a jury.

AN ESTATE IN COMMON is ONE HELD IN JOINT POSSESSION BY TWO OR MORE PERSONS AT THE SAME TIME BY SEVERAL AND DISTINCT TITLES.

This estate has the single unity of POSSESSION; and differs in nothing from SOLE estates but merely in the blending and unity of possession.

TENANTS IN COMMON, consequently, hold by distinct titles, but by unity of possession only; for no one can certainly tell which is his own part; therefore, all occupy promiscuously.

A TITLE is THE MEANS WHEREBY THE OWNER OF LANDS HAS THE JUST POSSESSION OF HIS PROPERTY.

This is the definition of title to LANDS, only.

A COMPLETE LEGAL TITLE to THINGS REAL consists of a union of possession, right of possession, and right of property.

MERE POSSESSION, the lowest and most imperfect DEGREE of title, is the actual occupation of an estate, without any apparent right to continue such possession.

RIGHT OF POSSESSION may exist in one, while actual possession in another is of two sorts; an APPARENT RIGHT, which may be defeated by proving a better; and an ACTUAL RIGHT, which stands against all opponents.

RIGHT OF PROPERTY may exist without either possession, or right of possession; but by which actual possession may be eventually recovered.

TITLE TO THINGS REAL may be acquired or lost:—

- (1) By descent,
- (2) purchase.

BY DESCENT, the title is vested in a person by operation of law.

BY PURCHASE, it is vested by his own act or agreement.

ANY title not acquired by inheritance, is said to be acquired by PURCHASE.

OF TITLE BY DESCENT: DESCENT OR HEREDITARY SUCCESSION is the MEANS WHEREBY A MAN, ON THE DEATH OF THE ANCESTOR, ACQUIRES HIS ESTATE BY RIGHT OF REPRESENTATION, AS HIS HEIR AT LAW.

AN INHERITANCE IS THE ESTATE DESCENDING BY LAW TO THE HEIR; BEING THE PERPETUAL CONTINUING RIGHT TO AN ESTATE, VESTED IN A PERSON AND HIS HEIRS.

AN HEIR IS HE UPON WHOM THE LAW CASTS THE ESTATE IM-

MEDIATELY ON THE DEATH OF THE ANCESTOR.

OF TITLE BY PURCHASE: PURCHASE IS POSSESSION OF LANDS AND TENEMENTS WHICH A MAN HAS BY HIS OWN ACT OR AGREEMENT, AND NOT BY THE MERE ACT OF LAW OR DESCENT.

The difference in acquisition of estate BY DESCENT and BY PURCHASE is:—

(1) That by purchase, the estate acquires a new inheritable quality, and is descendible to the owner's blood in general, and not the blood only of some particular ancestor.

(2) An estate taken by purchase will not make the heir answerable for the acts of the ancestor, as an estate by descent will.

TITLE BY OCCUPANCY: OCCUPANCY is TAKING POSSESSION OF THINGS BEFORE BELONGING TO ANYBODY.

THIS IS THE TRUE GROUND AND ORIGINAL FOUNDATION OF ALL PROPERTY, or of holding those things in severalty which by the law of nature (unqualified by that of society) were common to all mankind, and deemed the property of the first occupier by natural right.

TITLE BY PRESCRIPTION: PRESCRIPTION is WHERE A MAN CAN SHOW NO OTHER TITLE TO WHAT HE CLAIMS, THAN THAT HE AND THOSE UNDER WHOM HE CLAIMS HAVE IMMEMORIALY USED TO ENJOY IT.

The distinction between CUSTOM and PRESCRIPTION is, that custom is properly a LOCAL usage, and not annexed to a PERSON, while prescription is merely a PERSONAL USAGE, beyond the time of memory. USAGE differs from both, for it may be either to persons or places.

TITLE BY ALIENATION: ALIENATION, conveyance, or purchase, is the most usual method of acquiring real estate, and comprises ANY METHOD WHEREIN ESTATES ARE VOLUNTARILY RESIGNED BY ONE MAN, AND ACCEPTED BY ANOTHER,—whether by sale, gift, marriage, settlement, devise, or other transmission of property by mutual consent.

WHO MAY ALIEN: TO WHOM, AND HOW: In general, all persons in POSSESSION are PRIMA FACIE capable of conveying and purchasing, unless the law has laid them under any particular disabilities.

IDIOTS, INFANTS, AND persons INSANE or under DURESS, are not totally disabled, but SUB MODO only; their conveyances and purchases are voidable, but not actually void.

OF ALIENATION BY DEED: A DEED is A WRITING SEALED AND DELIVERED AS THE SOLEMN AND AUTHENTIC ACT OF THE PARTIES. It is either a deed INDENTED (called an Indenture), made by more than one party; or deed-poll, or single deed.

A man is always ESTOPPED by his

own deed, or not permitted to aver or prove any thing in contradiction to what he has once so solemnly and deliberately avowed.

AN INDENTURE is a deed made by two (or more) persons, consisting of as many copies as there are parties, each cut or INDENTED (formerly in acute angles like teeth of a saw, but at present in a waving line) on the top or side, to tally or correspond with the others. The copy executed by the grantor is called the ORIGINAL, and the others COUNTERPARTS; though of late all parties executed every part, or all sign the same one.

Formerly, when deeds were more concise than at present, it was usual to write both parts on the same sheet, with some words or letters written between them, through which was CUT a straight or indented line, so as to leave half the word on one part and half on the other; but at length INDENTING only came into use, which being merely a formal act is now not absolutely necessary, but has served to give to deeds of the present day the name of INDENTURES.

A DEED-POLL, or SINGLE deed, is made by one person only; which was not indented but POLLED or shaven even at the top or side, like a bond, etc.

The distinction between a deed-poll and indenture is now of no importance.

REQUISITES TO BE OBSERVED IN PREPARING DEEDS:—

(1) The parties must be ABLE TO CONTRACT, for the purposes intended. Those principally unable to contract are INFANTS, IDIOTS, and persons NON-COMPOTES MENTIS.

(2) There must be a PROPER SUBJECT-MATTER, or thing to be contracted for. This, and the parties, must be expressed by clear and sufficient names.

(3) It must be founded on good or valuable CONSIDERATION.

A VALUABLE consideration is such as money, marriage, etc., which the law esteems an equivalent for the grant; and is therefore, founded in motives of justice.

A GOOD consideration is blood, natural love, affection, etc., in granting an estate to a relative; being founded on motives of generosity, prudence and natural duty. Deeds upon such consideration are considered merely voluntary, and frequently set aside by equity, in favor of BONA FIDE PURCHASERS and CREDITORS, at the time the deed was made.

(4) It must be WRITTEN (or printed), to express the contents; and upon parchment or paper.

(5) The matter written must be LEGALLY and ORDERLY set forth in language and words sufficient to specify the agreement and bind the parties.

(6) It must be CORRECTLY READ and understood before execution by the parties.

(7) It must be SIGNED and SEALED by the party making it.

(8) It must be DELIVERED by the party, or his attorney.

(9) The ATTESTATION, or execution of it, before witnesses. Necessary rather for preserving the EVIDENCE, than for constituting the essence of the deed.

THE LEGAL (or formal) AND ORDERLY PARTS OF A DEED are calculated to convey the MEANING OF THE INSTRUMENT in the clearest manner; and the wisdom of experience has settled them in the following order:—

(1) THE PREMISES:—which sets forth the number and NAMES of the parties, with their additions or titles; necessary to explain the foundation of the RECITALS, or matters of fact the present transaction; the CONSIDERATION; and the CERTAINTY of the grantor, grantee and thing granted.

(2) THE HABENDUM:—which properly determines what estate or interest is granted.

(3) THE TENENDUM:—“and to hold,” is now of very little use, and is only kept in by custom. It used to signify the tenure by which estate granted was to be holden.

(4) THE REDDENDUM:—whereby the grantor creates or reserves in the terms of stipulation something to himself out of what he has granted; as rent or other certain profit.

(5) THE CONDITION:—which is a clause of contingency, also in the terms of the grant, on the happening of which the estate granted may be defeated and determined.

(6) THE WARRANTY:—whereby the grantor, for himself and his heirs, warrants and secures to the grantee the estate granted.

(7) THE COVENANTS:—which are clauses of agreement, whereby either party may stipulate for the truth of certain facts, or may bind himself to perform, or give, something to the other.

(8) THE CONCLUSION:—which mentions the execution and date thereof; either expressly or by referring to some day or year before mentioned.

A DEED MAY BE AVOIDED, or rendered of no effect, from various causes.

(1) It may be avoided AB INITIO, if it wants any of the essential REQUISITES above mentioned.

(2) It may be avoided by matter EX POST FACTO; as

(1) By erasing, interlining, or other alteration in any material part (unless a memorandum thereof be made at the time of the execution and attestation).

(2) By breaking off or defacing the seal.

(3) By delivering up to be cancelled.

(4) By disagreement of those whose consent is necessary; as a husband, infant, wife, etc.

(5) By decree of Court; when proved a forgery, or obtained by fraud, force, etc.

A DEED in brief is THE SOLEMN ACT OF THE PARTIES, and may either convey, charge, or discharge, real property.

CONVEYANCES are the deeds used to CONVEY real estate.

A RELEASE is a DISCHARGE OR CONVEYANCE OF A MAN'S RIGHT IN LANDS OR TENEMENTS TO ANOTHER THAT HAS SOME FORMER ESTATE, IN POSSESSION, THEREIN.

A release operates by the greater estate descending upon the less. The operative words are: “REMISED, RELEASED, AND FOREVER QUIT-CLAIMED.”

A CONFIRMATION IS A CONVEYANCE OF AN ESTATE OR RIGHT IN ESSE, WHEREBY AVOIDABLE ESTATE IS MADE SURE AND UNAVOIDABLE; OR WHEREBY A PARTICULAR ESTATE IS INCREASED:—in the latter case, by way of enlargement.

It is of a nature nearly allied to a release. The operative words are, “HAVE GIVEN, GRANTED, RATIFIED, APPROVED, AND CONFIRMED.”

AN ASSIGNEDMENT is (properly) A TRANSFER, OR MAKING OVER TO ANOTHER, OF THE WHOLE RIGHT OR INTEREST ONE HAS IN ANY ESTATE.

It is usually applied to an estate for life or years; and differs from a LEASE only in that by lease one granted a LESS interest than his own, reserving to himself a reversion, while in assignment he parts with the WHOLE property. The operative words, “ASSIGN, TRANSFER AND SET OVER.”

A TRUST is A RIGHT WHICH THE CESTUI QUE TRUST HAS TO RECEIVE THE PROFITS AND DISPOSE OF LANDS IN EQUITY, THE LEGAL TITLE OF WHICH IS IN THE TRUSTEE, WHO IS CONSIDERED MERELY THE INSTRUMENT OF CONVEYANCE, AND CAN IN NO WAY AFFECT THE ESTATE.

The right IS IN the trust; the obligation of the trustee RESULTS FROM the trust; the right held is the SUBJECT-MATTER of the trust; and all together constitute THE TRUST.

A TRUST ARISES whenever property is conferred upon and accepted by a person, for the benefit of another; no particular form being necessary if the terms can be ascertained.

AN OBLIGATION OR BOND is A DEED WHEREBY THE OBLIGOR HIMSELF, HIS HEIRS, EXECUTORS AND ADMINISTRATORS TO PAY A CERTAIN SUM OF MONEY TO ANOTHER ON A DAY APPOINTED.

If this is all, it is called a SINGLE bond; but a CONDITIONAL bond is generally used.

A CONDITIONAL BOND is ONE IN WHICH A CONDITION IS ADDED, THAT IF THE OBLIGOR DOES SOME PARTICULAR ACT,

THEN THE OBLIGATION SHALL BE VOID, OR ELSE TO REMAIN IN FULL FORCE.

A WILL is A DISPOSITION OF REAL AND PERSONAL PROPERTY, TO TAKE EFFECT AFTER THE DEATH OF THE TESTATOR.

It is the final declaration of a person regarding the disposition of his property; being his TESTIMONY upon that subject, i. e., the expression of his mind and WILL in relation to it.

"LAST WILL AND TESTAMENT," is the popular name of the instrument embracing both real and personal estate.

GENERAL RULES FOR THE CONSTRUCTION OF DEEDS, WILLS AND DEVISES laid down by the Courts:

(1) That the construction be FAVORABLE, REASONABLE, agreeable to common understanding, and as near the minds and apparents intents of the parties as the rules of law will permit.

(2) That where the INTENTION is clear, too minute stress be not laid on the strict and precise signification of words. Nor will false English destroy a deed.

(3) That the construction be made upon the ENTIRE deed, and not merely upon disjointed parts of it.

(4) That the deed be taken most strongly against the grantor, and in favor of the other party. (This rule is only to be relied on when all other rules of exposition fail.)

(5) That where words will bear two senses, that most agreeable to the law is preferred.

(6) That in a deed, if two clauses are so totally repugnant to each other that they cannot stand together, the first shall be received and the latter rejected. (Wherein it differs from a will, for there, the latter shall stand.)

(7) That a devise be most favorably expounded to pursue, if possible, the will of the deviser, who for want of advice or learning may have omitted the legal or proper phrases. (Therefore, the law often dispenses with the want of words in devises, that are absolutely required in other instruments).

A TESTAMENT, or WILL, is THE LEGAL DECLARATION OF A MAN'S INTENTIONS, WHICH HE WILLS TO BE PERFORMED AFTER HIS DEATH.

All persons have full power and liberty to make a will, unless disabled by want of sufficient discretion (as infants, idiots, or otherwise NON-COMPOTES) want of sufficient liberty and free will.

Testaments are either WRITTEN or VERBAL (NUNCUPATIVE).

The latter depends merely upon oral evidence, being declared by the testator IN EXTREMIS before a sufficient number of witnesses, and afterward reduced to writing.

A CODICIL is A SUPPLEMENT TO A WILL, OR AN ADDITION MADE BY THE TESTATOR.

It is to be annexed to and taken as part of a testament; being for its ex-

planation or alternation, or to make some addition to, or else some subtraction from, the former dispositions of the testator.

No testament is of any EFFECT till after death of testator.

A TESTAMENT MAY BE AVOID-ED IN THREE WAYS:

(1) If made by a person laboring under any of the incapacities before mentioned.

(2) By making another testament of later date.

(3) By canceling or revoking it.

(4) By marriage, or birth of a child.

AN EXECUTOR IS HE TO WHOM ANOTHER MAN COMMITS BY WILL THE EXECUTION OF THAT his last will and testament.

AN ADMINISTRATOR is HE TO WHOM THE GOODS AND EFFECTS OF A PERSON DYING INTESTATE, ARE COMMITTED BY THE COURT, for distribution and settlement of his estate.

The following are LIMITED administrations:

ADMINISTRATION DURANTE MINORI AETATE: is where an infant is made executor; in which case administration with the will annexed, is granted to another, until the infant executor attains the legal age.

ADMINISTRATION DURANTE ABSENTIA is granted, when the next of kin is beyond sea; lest the goods perish, or debts be lost.

ADMINISTRATION PENDENTE LITE is granted, where a suit is commenced concerning the validity of a will; till the suit be determined; in order that there be somebody to take care of the testator's estate.

ADMINISTRATION CUM TESTAMENTO ANNEXO, granted when there is no executor named in the will, or if an incapable person be named, or a person named refuses to act.

ADMINISTRATION DE BONIS NON, granted when the first administrator dies before he has fully administered.

THE POWER OF AN EXECUTOR OR ADMINISTRATOR is, in general, much the same; EXCEPTING:

(1) That an executor is bound to perform a will, which an administrator is not. Unless he be an administrator CUM TESTAMENTO ANNEXO; and then he differs still less from an executor.

(2) An executor may do many acts before he proves the will, but an administrator may do nothing until letters of administration are issued.

THE OFFICE AND DUTY OF AN EXECUTOR OR ADMINISTRATOR are:

(1) He must BURY the deceased in a manner suitable to the estate he leaves behind him.

(2) He must PROVE THE WILL of the deceased.

(3) He is to make an INVENTORY of all the goods and chattels of the deceased.

(4) He is to COLLECT all the goods and chattels so inventoried.

(5) He must PAY the DEBTS of the deceased.

(6) When debts are all discharged, the LEGACIES claim his next attention.

A LEGACY is A BEQUEST, OR GIFT, OF GOODS AND CHATTELS BY TESTAMENT.

A legacy is not perfect without the consent of the executor, for it is his business first to see whether there is sufficient funds left to pay the debts of the testator.

In case of a deficiency of assets, all GENERAL legacies must abate proportionally, in order to pay the debts of a deceased.

A LAPSED LEGACY is WHERE THE LEGATEE DIES BEFORE THE TESTATOR.

In which case, the legacy is lost or LAPSED, and sinks into the RESIDUUM.

A SPECIFIC LEGACY is WHERE A PARTICULAR CHATTEL IS SPECIFICALLY DESCRIBED AND DISTINGUISHED FROM ALL OTHER THINGS OF THE SAME KIND; OR SOMETHING OF A PARTICULAR SPECIES.

A VESTED LEGACY is ONE TO BE PAID, OR PAYABLE, AT THE AGE OF TWENTY-ONE, OR ANY OTHER.

A CONTINGENT LEGACY is A BEQUEST OF ALL THE TESTATOR'S PERSONAL ESTATE NOT OTHERWISE DISPOSED OF BY HIS WILL.

CONSTRUCTION OF LEGACIES is as follows:

(1) The technical import of words is not to prevail over the obvious intention of the testator.

(2) Where technical words are used by the testator, or words of art, they are to have their technical import, unless it is apparent they were not intended to be used in that sense.

(3) The intention of the testator is to be determined from the whole will.

(4) Every word shall have effect, if it can be done without defeating the general purpose of the will, which is to be carried into effect in every reasonable mode.

(5) A will of personalty made abroad, the LEX DOMICILLI must prevail, unless it appear the testator had a different intent.

THE DOCTRINE AND LIMITS OF REPRESENTATION, in the statutes of distribution, seem to have been principally borrowed from the CIVIL law; whereby it sometimes happens that personal estates are divided PER CAPITA, and sometimes PER STIRPES.

They are divided PER CAPITA, where the descendants take as individuals in their OWN right an equal share, in equal DEGREE of kindred.

As, if the next of kin be the testator's three brothers, A. B. and C.; here his effects are divided into three equal portions, and distributed PER CAPITA, one to each.

They are divided PER STIRPES,

where the descendants take in the right of ANOTHER, by REPRESENTATION.

As, if one of three brothers, A., had been dead, leaving three children, and another, B., leaving two; then the distribution must have been PER STIRPES, viz.: one-third to A's three

children, another third to B's two children, and the remaining third to C., the surviving brother. (Yet if C had been also dead, without issue, then A's and B's five children, being in equal degree to the intestate, would take in their own rights PER CAPITA; viz: each a one-fifth part).

Directory Being Printed—Will Be Rushed to Completion

Corrected and revised lists of memberships of the various state associations were finally compiled and completed. They have been checked and all copy been sent to the printer so that it is now only a question of a short time until the directory will be distributed.

It has taken time to get all the data. One of the objects of the publication of the book was to be an inducement and stimulus for membership and help the various state organizations in their spring membership campaigns. This proceeded rather slowly as some of the states did not get into the spirit of the thing until the last moment; some did not take advantage of the inducement at all, but the majority of them did—started at once and showed excellent gains.

These membership lists had to all be revised and completely reorganized. In addition to the names, the business classifications of each are given, by means of a symbol after the name, "A" for Abstracts of Title; "TI" for Title Insurance and "E" for Title Examiners.

The book is going to be gotten up in an attractive manner. A special cover design has been made. It is very attractive and will be printed in bronze blue on a gray background. The arrangement of membership lists will be by states, they in turn to be arranged alphabetically by county, with name of members, branches of title business handled as indicated by symbol, and name of city. At suitable places in the book space will be given to mentioning the objects and purposes of the American Title Association, who its members are and the advantages of patronizing title men and companies belonging to the national association of that particular business.

ONLY THOSE IN GOOD STANDING AND WHOSE MEMBERSHIP IS PAID WILL BE LISTED. Ample opportunity was given everyone to pay their dues and either become a new member or continue as an old one and consequently only the ones in good standing can be considered. The American Association has for a number of years had a policy of being very lenient in carrying those on its membership and mailing lists who had not been prompt in keeping up their membership. Every reasonable chance has always been extended for renewal but in matters such as being listed in the directory only paid up members can be considered. Those who missed out and did not give

the matter of prompt payment of dues and keeping up their membership in the state associations should do so at once for they will receive a copy of the directory then, and have the opportunity of being carried in the next one which according to present plans will be gotten out in two years. It is hoped to get out a new one every other year.

This directory is the most practical and profitable thing the Association has ever done. The method and scope of its distribution will constitute a national advertising activity. Thousands of patrons of title offices, loan men, realtors, and others, will have the Title Association and its members presented to them which means that the title business itself will be brought to their direct attention.

Every effort is now being made to speed up the production of the directory. It will be out soon now and every one may look for an attractive booklet, well worth waiting for.

A REPRESENTATIVE AT EVERY STATE CONVENTION.

One of the policies and plans of the American Title Association for the year was to have a representative of it at each state meeting held. A visitor has therefore been present at each meeting.

President Wedthoff has attended the Indiana, Michigan and Ohio meetings.

Vice President Condit and Treasurer Scott were present at the New York meeting.

Dr. J. R. Morgan generously gave of his time and ably took part in the Iowa and Illinois meetings.

W. K. Jones, likewise was generous of his time and attended the Idaho meeting at Pocatello where he extended the best wishes of the national organization to the abstractors of that state.

Walter M. Daly, President of the Title Insurance Section attended the Washington and Montana meetings.

Worrall Wilson, Past President of the American Association will attend the meeting of the California Land Title Association at Catalina Island, September 11, 12 and 13.

Past President Will H. Pryor attended the meeting of the North Dakota Association.

The Executive Secretary has attended the following during the year: Missouri, Kansas, Oklahoma, Wisconsin, Minnesota, Pennsylvania, and will go to Nebraska, Colorado and Wyoming during the early part of September.

COST ACCOUNTING IN TITLE INSURANCE.

By John E. Potter, President, Potter Title and Trust Co., Pittsburgh, Pa., and Formerly President of the Title Insurance Section of the Association.

I have been much impressed with the importance of the use of a system of cost accounting in connection with the operation of a title insurance plant, although this is equally true as to any department of a properly managed trust company. I believe that too many executive officers in trust companies are inclined to accept the conclusions of the executives of other companies as to the relative department costs, rather than to determine for themselves the exact cost of operation, especially as between the different departments of an institution.

I am not referring to this as an expert accountant. Indeed, I am like the seasick Frenchman who was leaning disconsolately over the railing of an ocean steamer, when asked if he had breakfasted, replied, "No, no, quite the contrary." The same is true with me as to anything connected with accounting. I never trust myself to add a column of figures without proving it on the adding machine, and I always insist upon a calculation being made of the exact cost and profit upon every piece of work which goes out of our company. This may be easily ascertained without requiring the services of a high priced, expert accountant.

It is a comparatively simple proposition for a company which transacts title insurance and nothing else, to determine the cost of operation, but with a trust company which operates a title insurance plant as a department along with other activities, the problem of cost accounting is more complicated. The installation of a system for determining the exact cost of the production of each piece of work, without entailing expensive and additional labor, is a more or less complex proposition with any company.

It is surprising how lax is the management of many financial institutions as to the exact cost of service and source of earnings. If you ask the average banker the cost of four per cent savings deposits, in nine cases out of ten he will reply: "Oh! we pay four per cent but it only costs us three per cent." If you ask him "How do you know it, did you ever figure it out?" he would reply "No, but the bankers all say that the gain in withdrawals will bring the cost down to three per cent." Now, if the average banker will simply take the time and trouble to divide his total average savings deposits into the total interest paid, he will find that he is paying between 3.60 per cent and 3.75 per cent for interest alone, instead of three per cent as he so complacently believes.

I have talked with representatives of prominent trust companies in Pennsylvania who acknowledge that they do not keep reliable separate department earning sheets for the reason that down

in their inner conscience they are really afraid that their favorite, most popular and highly advertised department or departments are, in fact, being operated at a loss.

Now the ostrich method of sticking its head into the sand so as to avoid seeing danger approaching may work with the ostrich, but it is certainly a mistaken position for the executive of a trust company to assume.

We have all heard of the Dutchman who, when asked how he could sell goods below cost, replied that it was because he sold so much. Are there not title insurance executives or title department managers who, at times, make the same mistake, sacrificing everything in the effort to turn out a large volume of business without regard to the cost of production? The wise and safe business man will look any situation directly in the face and ascertain the exact relative cost of production and operation in all departments, and if the results of the operation of the business are not satisfactory, he knows where to look for trouble.

One should be broadminded in considering the relative earnings and expense between the different departments. The actual figures are not sufficient alone to determine the real value of a department. The question of its value to the business as a whole must be considered, especially the question as to the additional business which the operation of any department brings in to the other departments.

In estimating title insurance costs in trust companies which operate various departments, the most difficult question to satisfactorily determine is the matter of the division of overhead expense, such as general officers' salaries, rents, taxes, advertising, supplies, telephone service, etc. Sometimes it is necessary for the president of the company to be the judge as to the proper division, since the head of each department is naturally anxious to make the best showing possible for his own department and for this reason, desires to keep the percentage of overhead expense charged to him as low as possible. Such a division is more or less arbitrary at the start, but experience as the years go by will establish a division on a fair and scientific basis.

When the question of the percentage of general expense to be charged to the title department is out of the way, the remaining procedure is comparatively simple.

In Pittsburgh, Pa., the title companies have four sources of earnings, viz: Title insurance policies; settlement certificates issued to attorneys; abstract of title and search certificates.

All the earnings of the title department are received from these four sources and the percentage of receipts from each source is easily determined. In preparing this paper, I have used as a basis the system of cost accounting adopted in our own company. We find that approximately seventy-five per cent of the cost of operation of the title department consists of salaries. This total salary expense I divide under the following heads: Management, reports, settlements, ex-

aminers, search clerks, index plant, judgment searches, tax reports, bookkeeping and collections, stenographers.

It is a simple matter to figure out the exact percentage of the cost of each class which enters into the cost of title insurance. I also ascertain the total number of examiners' days. This, divided by the total number of examinations, gives the average examiner's time required for each examination. The same can be done as to search clerks. The cost per title for office supplies, sundries, and the title department portion of general expense is to be added to the expense of production. Every safe and conservative title insurance company will set up a proper reserve for title insurance losses, even if there are no legal requirements as to such reserve. This reserve is a separate expense charge which is also to be added to the cost of production. By following this method, the average cost per title for each of the above divisions of expense may be readily and accurately ascertained.

In ascertaining the exact cost of each individual case, the exact time of the examiner, search clerk, judgment clerk and stenographers should be computed and added to the average cost per title of the other divisions, except that in the item of general expense, the amount should be increased or diminished in the proportion that the compensation received by the company in each particular case bears to the average compensation received.

With all these facts before the executive, there is no reason for his not knowing the exact expense of operation, the earnings and net profit of the title department. In case any particular division of the work in the operation of the plant is costing too much money, he is able to promptly locate the trouble.

It is also wise to prepare exact statements of the number of days of absence on account of sickness and the average of each employe. This is often a much greater factor in the cost of production than the average executive realizes. In conclusion, I would state that in my opinion the best method for meeting changing conditions caused by periods of financial stringency is to secure the highest degree of efficiency from the employees, and the preparation of such detailed reports is of no avail and of little practical value unless use is made of them. In our own case, I called a meeting of the operating heads in the title department and we spent an evening together, each one being furnished with a copy of this report. I explained every item in detail, taking plenty of time and inviting questions and discussions on each point. I was very much pleased with the spirit shown by our people. They seemed pleased to be taken into the confidence of the executive and to be asked for assistance in working out the problems which were shown by the statement to exist. All were surprised at the results shown by the detailed statement, as they had no idea of the cost of certain phases of the work. Many very excellent suggestions were made which I am satisfied will be valuable to the company in increasing efficiency and decreasing the cost of operation.

I might say that the same principle of detailed statements of department earnings and expenses is followed in all the other departments of our company.

A title insurance department, however, is very similar to a manufacturing concern, as its earnings depend to a great extent upon the amount of production by the employees and for this reason the problems of a title department are very different from those in other departments.

I have always been a very strong believer in the principle of co-operation. It has been used very successfully in many manufacturing plants but few financial institutions have made use of his principle. I think that every employe should be made to feel that he is a part of the institution and will in some degree share in its prosperity. When the earnings justify it, the employes should receive some recognition in their distribution. The idea that an employe is a mere machine belongs to the past age and has no place in modern, up-to-date business management, even in a financial institution.

BOAT TRIP—NEW YORK TO NEW ORLEANS. SIDE TRIPS TO CUBA, PORTO RICO, PANAMA, ETC.

There are some planning on coming to the convention by boat from Atlantic Coast points. There are two lines, the United Fruit Co., steamers, from New York going via Havana, with stop-over at this famous Cuban city, and those of the Southern Pacific, operating direct from New York to New Orleans.

Full information regarding these routes, sailings, schedules, etc., can be had by addressing W. M. Lowrie, Passenger Traffic Manager, United Fruit Co., 17 Battery Place, New York; and A. J. Boston, General Agent, Southern Pacific Railway, 165 Broadway, New York.

There are many trips possible from New Orleans, both of the above companies running special trips to the West Indies, Cuba, Mexico, Panama, Central America, etc. For information regarding them, address United Fruit Company, 321 St. Charles St., and J. T. Monroe, Southern Agent, Southern Pacific Railway, New Orleans.

In addition to them, the Ward line operates boats to Mexico and Cuba, Munson line to Cuba, the Standard Fruit and Steamship Co., Steamship line to Panama, information and details about any and all cruises and trips can be secured by addressing the agents of any of the above lines at New Orleans.

"No person was ever honored for what he received. Honor has been the reward for what he gave."—[President Calvin Coolidge.]

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AUGUST, 1924.

MICHIGAN CONVENTION AT GRAND RAPIDS.

The Michigan Association held its 1924 meeting at Grand Rapids on August 7 and 8. They voted to change the name to "The Michigan Title Association," to conform to that of the American Association.

George E. Wedthoff, President of the American Title Association, attended as the representative of the National Association as well as a member of the Michigan.

New officers elected were Claude E. Chappell, Charlotte, President; William J. Abbott, Lapeer, Vice President; Otto L. Godfrey, Muskegon, Secretary; Harvey D. Hahn, Detroit, Treasurer.

They also decided to hold their meetings hereafter later in the year away from the hotter part of the season and from the time when so many are on vacations.

CONVENTION OF NEW YORK AS- SOCIATION AT WHITE PLAINS.

The fourth annual convention of the New York State Title Association was held at Gedney Farms Hotel, White Plains. T. M. Scott, Treasurer of the American Title Association, was pres-

ent as a guest and to represent the American Association.

The printed proceedings of this convention are out and show it to have been a most interesting and valuable session.

This association is especially active in legislative affairs and has been doing a great work for the land-owners of the state by striving for improvement in title matters.

New officers elected were Arthur E. Bishop, Schenectady, President; S. H. Evans, New York City, Secretary; F. P. Condit, New York City, Treasurer.

NORTH DAKOTA CONVENTION AT BISMARCK.

The North Dakota Title Association held its annual meeting at Bismarck. Past President Will H. Pryor of the American Title Association attended as the representative of the national organization.

The Association voted to change its name from "The North Dakota Abstractors Association" to "The North Dakota Title Association," to conform to that of the American Association.

Nella E. Young, abstractor of the Farmers Trust Co., of Fessenden, won the cup for the second consecutive year in the prize abstract contest and it was given to her as permanent property.

This association made a progressive step when it voted to adopt a code of ethics. A code of ethics lived up to and practiced will do a great deal for the members themselves as between each other, and the spirit will permeate to the outside and their clients be made to feel it.

The association also voted to issue a directory of members, to be distributed to clients over the state.

It was an exceptionally fine meeting, well attended and full of interest.

The same officers were re-elected—A. W. Dennis, Grand Forks, President; J. L. Bowers, Vice President; A. J. Arnot, Secretary; R. L. Phelps, Treasurer.

The North Dakota Association is one of the best state organizations in the country, and each meeting and year brings about added interest and results. It officers are alert to the job and the members appreciate it by taking an interest in things.

Mailing List and Membership Roll to be Revised

Only Members in Good Standing with Dues Paid to be Carried on Lists

The mailing list of the Association will be revised with the completion of the new directory and the revised membership lists. There are many now receiving the Title News and being sent the matter issued by the association who are not members in good standing, who have allowed their memberships in their state associations to become delinquent and until now have been carried on the American Association lists all the time.

This has been because the American Association has deemed it best to adopt a liberal policy in respect to this and

J. R. MORGAN VISITS TWO MEETINGS.

Doctor J. R. Morgan, staunch friend and worker of the association attended two state meetings as the representative of The American Title Association.

The first was the Iowa Association held at Keokuk and the second The Illinois Association held in Chicago.

Dr. Morgan always has a message for the title men and the association appreciates his interest and consideration in making these two visits and thereby playing a part in the program of the national organization in having a representative at each state meeting during the year.

CALIFORNIA ASSOCIATION MEET- ING TO BE HELD AT CATA- LINA ISLAND.

The California Land Title Association will meet at Catalina Island on September 11, 12 and 13. The program will have addresses from realtors, bankers and others as well as from title men. A large crowd will be present according to present indications and certain it is that it will be a time profitably spent. Worrall Wilson, Past President of the American Title Association will attend as the representative of the national organization. The meeting will be covered and reported in California Real Estate, the recognized real estate and title publication of the state.

IDAHO ASSOCIATION MEETS IN POCATELLO.

This progressive association held its 1924 meeting in the home city of President Orval M. Fox. A report of the meeting shows that it was one of the best ever held by the organization.

W. K. Jones, former official of the American Association, attended as its representative and urged the title men to give of their best efforts to service and improvements of the business.

The Idaho Association plans on joining in the invitation to be extended to The American Title Association to hold the 1925 meeting in Yellowstone Park.

give everyone ample time to consider and keep up their affiliation.

However, the title organization, both the various State and the National, are giving value received for the opportunity of belonging to them and a more stringent policy in the matter of carrying those who have permitted their memberships to lapse must be adopted by the National Association.

This is because of the expense, the other fact that it is not fair to those who do keep in good standing and further that the American Association is giving a big value in its activities and

services to those belonging and holding memberships.

It has assumed an enviable standing and power as a representative trade or commercial organization. It is working and accomplishing things for the title business and those engaged in it. The monthly publication Title News, the Directory and the Printed Proceedings of the Annual Conventions all furnished at no extra cost but as part of the per capita dues are a ten fold value in themselves.

The only way to receive them from now on is to be a member in good standing either by joining as a new member or by keeping your present membership up to date.

The mailing list will be revised completely in September. If you have allowed your membership to lapse and want to continue to receive the monthly publication, the proceedings of the New Orleans Convention and the directory, get in good standing with your state organization immediately.

SPECIAL ACCOMMODATIONS AND SERVICE PROVIDED ON THE ILLINOIS CENTRAL "PANAMA LIMITED."

**Through Sleeper from Kansas City—
Train Starts in Two Sections—
One from Chicago, the Other
from St. Louis.**

Excellent traveling schedules and accommodations are provided by this train and railroad. It is the direct line from Chicago and St. Louis to New Orleans. A through sleeper operating from Kansas City to St. Louis over the Alton-Burlington will also be provided for the accommodation of travelers from the west. This will leave Kansas City Saturday night the 18th on the Alton-Burlington at 11:55 p. m., arriving in St. Louis Sunday morning the 19th. It will be attached to the St. Louis Section of the Panama Limited leaving St. Louis at 3:10, in the afternoon thus allowing a half day in St. Louis.

The Chicago Section of the Panama Limited leaves the loop city at 12:30 noon. This gives ample time for connections for all coming via Chicago.

The two sections join at Carbondale and proceed as a solid train to New Orleans, arriving at 11:20 Monday morning the 20th. This will allow a half day and evening to become located and acquainted with those arriving for the meeting. It permits conservation of time too, because it is only 21 hours from Chicago and not having to arrive in Chicago until noon Sunday makes it possible for those from most places to not have to leave their homes before noon or night Saturday.

All are urged to arrive in New Orleans Monday the 20th if at all possible. Registration and the first half day's program will consume all of Tuesday morning, the 21st., and this first half day is one of the most important and interesting ones of the convention.

THROUGH SLEEPER— Kansas City to New Orleans

**For Accommodation of Convention Visitors
Enroute via Kansas City.**

Leaves Kansas City Saturday night, October 18th, on 11:55 p. m.
Chicago & Alton-Burlington "Night Hawk."

Connects at St. Louis with "Panama Limited" Sunday, leaving at
3:15 p. m. Arrives at New Orleans, October 20th, 11:15 a. m.

Lower Berth, Kansas City-New Orleans, \$9.00

For Reservations, apply to G. Y. Vermillion, Passenger Agt.
Chicago & Alton R. R., or

H. J. Biesterfeldt, Illinois Central R. R., Railway Exchange Bldg.,
Kansas City, Mo.



"CLOISTER ALLEY"

FRENCH QUARTERS, NEW ORLEANS

New Orleans is rich in places of charm, beauty and quaintness. It has an atmosphere of its own.

It is truly "America's most interesting city."

THE MISCELLANEOUS INDEX

Being a review of interesting matters presented to the Secretary's office

Word comes from Henry R. Chittick, known to all in the association for his splendid work and interest, that he is having a fine time in England and Europe while attending the Bar Association meeting. We hope he gets back in time to be with us at New Orleans, for he has become a figure in every convention. He says the banquet of the Lord Mayor of London was an impressive affair, as was the King's Garden Party at Buckingham Palace.

As proof that the world is rather small after all, Mr. Chittick reports having met W. J. Davis of Atlanta, another convention "regular." Mr. Davis was in London attending the Convention of the Associated Advertising Clubs of the World.

A mighty fine booklet on "The Descent of Real Property in Ohio" has been issued by The Guaranty Title & Trust Co., of Cleveland. The book is gotten up in a very attractive manner and is the work of William R. Kinney, Assistant Vice President.

It is valuable in tracing the laws of descent during the whole history of the state. It takes it act by act, from the time of the first organization, and gives the distribution of real property as provided by the various law-making bodies from period to period. It gives date of act, when effective and manner of descent and distribution.

The Directors of the Chicago Title & Trust Co., at their last meeting elected Edward C. Hackett of the Guaranty Department to be Vice President.

The company also transferred one million dollars from Undivided Profits to Surplus Account, making the capitalization \$10,000,000, surplus \$7,000,000 and total assets of over \$20,000,000.

Announcement is made that the title business formerly conducted by Fidelity Union Trust Co., Newark, N. J., is now operated by the Fidelity Union Title & Mortgage Guaranty Co.

The same persons are interested in the two companies, the title business simply being taken from the banking end and made a separate activity.

This is the company with which Edward C. Wyckoff is connected. Mr. Wyckoff has made a host of friends during his visits at the American Title Association meetings who wish the new organization their best, and Mr. Wyckoff, personally, sincere regards in his work with it.

Escrows and the building up of an

Escrow Department or business is attracting the attention of many of the title companies. A most valuable, complete and concise treatise on the subject is found in a booklet issued by the Oakland Title Insurance and Guaranty Co., Oakland, Cal. It was prepared by Ira Abraham, Vice President and General Manager, and is most interesting. Mr. Abraham will be glad to furnish anyone with a copy upon application and it will be worth while for anyone interested in the subject to study this book.

The Union Title & Guaranty Co., of Detroit, the title department of the Union Trust Co. of that city, has had phenomenal success with its campaign to build up its title business. The company has a most efficient advertising department and bureau of public relations. They have set about to popularize title insurance, escrows and complete title service and are having a wonderful growth in business.

The advertising of the company is worthy of study for it is a series of newspaper ads, pamphlets and other mediums of publicity complete in circulation, and covering every field.

The company has also taken an active part in civic and public affairs and functioned as a real service institution. One of the unusual things done was the offering of five one thousand dollar scholarships for any American college or university, and open to seniors in the high schools of Wayne, Oakland and Macomb Counties, Michigan. The test was the writing of an Essay on "The Selection of Investments." It was explained that the subject was chosen because of its vital importance to almost every individual in view of the enormous losses which are suffered each year through unwise investments. The time limit for sending of the essays was May 15, 1924, and the awards will be made Aug. 1, 1924. Each essay was limited to 2,000 words.

In addition medals and certificates of merit will be awarded to others submitting worthy manuscripts.

This is a most worthy activity and is indicative of the spirit of the organization.

The company also operates offices in Pontiac and Mt. Clemens.

The Gracy Title Guaranty Co., Austin, Texas, announces the inauguration of title insurance, brought about, as it says, by a realization that title insurance is the best method for buyer, seller, money lender and borrower. Thus the people of Travis County have the ultimate in title service from the Gracy Co.

The Cook County, Illinois, public abstract office continues to be operated at an even continuing larger loss than ever before, according to a report of its operations appearing in the last issue of "real Estate News," a magazine published in Chicago and devoted to building, financial, realty and title matters.

According to the article, the salaries paid exceeded the gross receipts of 1923 by \$314,858.00. This was an average of \$103.93 for each abstract made as against average receipts of \$14.37 for each abstract made.

Likewise the Torrens department showed a loss, the pay-roll amounting to \$163,257, Receipts \$136,368, or a loss of \$26,888.

The Executive Secretary has on file, full information schedules, routes, etc., of all railroads and steamship lines operating in and out of New Orleans.

Any inquiries directed to the Association office in regard to routings, trips, etc., will receive immediate consideration. You are invited to make use of this information.

WANT ADS

Information about the following can be obtained from the Executive Secretary where no name and address is given in the ad. Refer to classification and number.

If name is given, write direct to advertiser.

POSITIONS WANTED—MALE.

EXAMINER AND ABSTRACTER, 8 YEARS experience in title work. 30 years old, graduate of Boston University. Excellent references. Write to Walter A. White, 1636 Welton St., Hotel Erin, Denver, Colo.

ABSTRACTER, FAMILIAR WITH ALL branches of business. 8 years experience in Texas. An especially well qualified man. Write to F. E. Bell, St. George Hotel, Dallas, Texas.

ABSTRACTER, SEVERAL YEARS EXPERIENCE, competent to manage and take charge of office. An exceptionally competent man. Address care of Executive Secretary, and refer to "Positions Wanted, No. 21."

EXPERIENCED ABSTRACTER PREFERS to locate in Nebraska. Address M. B. Darling, Kimball, Neb.

POSITIONS WANTED—FEMALE.

YOUNG LADY, EXPERIENCED IN Abstract work, located in Montana. Desires to locate in Oregon, Washington or northwest. Address care Executive Secretary, Positions Wanted, No. 14.

LADY, 15 YEARS EXPERIENCE IN ALL branches of abstract work. Excellent qualifications and recommendations. Address, care Executive Secretary, Positions Wanted, No. 15.

PLANTS FOR SALE.

ONE OF THE BEST ABSTRACT PLANTS in Florida, up to date and in first class condition. In excellent city and plant covers 5 counties. Address Executive Secretary, For Sale, No. 30.

PLANT IN ARKANSAS COUNTY OF 25,000 population. Complete and up to date, priced at \$2,000.00 and for sale on terms. Good chance for hustler. Address Executive Secretary, For Sale, No. 31.

ABSTRACT PLANT FOR SALE, IN GROWING part of Texas. Doing nice business. Would consider trade for plant in Colorado or Pacific Coast states. Good opening too for attorney. Write M. L. Hopson, Alpine, Texas.

PARTNER WANTED TO TAKE HALF INTEREST in going abstract business established 20 years in a growing section of Oregon. Exceptional opportunity to experienced man. Reasonable price and moderate investment. Address Executive Secretary, For Sale, No. 32.